

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed September 13, 2004. At the time of the Office Action, Claims 1-11 were pending in this Application. Claims 5-11 were rejected. Claims 1-4 were Allowed. Independent Claims 5 and 8 have been amended to further define various features of Applicants' invention. Applicants respectfully requests reconsideration and favorable action in this case.

Submission of Formal Drawings

Applicants respectfully submit formal drawings consisting of Pages 1-2 and Figures 1-5. The attached formal drawings are substantively identical to those filed with the application and contain no new matter.

Rejections under 35 U.S.C. §102

Claims 5-11 were rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 4,282,524 issued to Steven W. Eymann et al. ("Eymann et al.") or U.S. Patent 4,435,709 issued to Ronald W. Kipp ("Kipp"). Applicants respectfully traverse and submit the cited art does not anticipate Claims 5-11. Applicants have amended Independent Claims 5 and 8 to more distinctly claim an embodiment of the invention. Claims 5 and 8, like Allowed Claim 1, now include the limitations: (1) "wherein signals are received on the left-hand side and right-hand side of a modulation frequency" and (2) "wherein the distance of the two signals is proportional to the distance between the first and second transmitting and receive devices so that multipath propagations are not taken into consideration." Applicants respectfully submit that Claims 5 and 8, like Allowed Claim 1, are now in condition for allowance. Claims 6, 7, 9 and 10 depend from Claims 5 and 8, and thus, are also in condition for allowance.

Allowable Subject Matter

The Applicants thank the Examiner for the indication that Claims 1-4 are allowed.

Change of Correspondence Address

Applicants respectfully request that all papers pertaining to the above-captioned patent application be directed to Customer No. 31625 and all telephone calls should be directed to Bruce W. Slayden II at 512.322.2606. Applicants also enclose a Change of Correspondence Address for the U.S. Patent and Trademark Office's records.

CONCLUSION

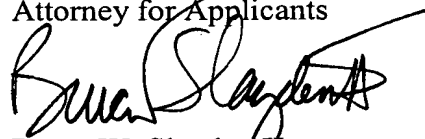
Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of Claims 5, 8, and 10 as amended.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees to Deposit Account No. 50-2148 of Baker Botts L.L.P. in order to effectuate this filing.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2606.

Respectfully submitted,

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